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ELECTRONIC FRONTIER FOUNDATION and
9 FRED VON LOHMANN

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 In re Subpoenas to Electronic Frontier
Foundation and Fred von Lohmann

) **Case No. 3:10-mc-80276-JSW**
) [Related to *Arista Records v. Lime Wire LLC*,
) No. 06-5936 (KMW) (S.D.N.Y.)
)

) **DECLARATION OF MARK GORTON IN**
) **SUPPORT OF EXPEDITED MOTION TO**
) **QUASH SUBPOENAS**
)

) Date: no hearing date assigned
) (pursuant to order by Judge White)
)

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

1 I, Mark Gorton, declare under penalty of perjury that the following is true and correct:

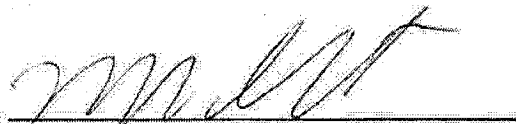
2 1. I am the sole Director of Lime Wire LLC ("LimeWire").

3 2. Beginning in 2002, LimeWire sought legal advice from Fred von Lohmann, an
4 attorney at the Electronic Frontier Foundation. Mr. Von Lohmann and the Electronic Frontier
5 Foundation have provided legal advice and legal counseling to LimeWire since that time.

6 3. LimeWire expected that its communications with the Electronic Frontier Foundation
7 and Fred von Lohmann would remain confidential.

8 4. LimeWire presently asserts the attorney-client privilege in its communications with
9 the Electronic Frontier Foundation and Fred von Lohmann.
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11 Executed on November 16, 2010


Mark Gorton

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